

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**244**

**CRR-187-2019 (O&M)  
Date of Decision : 5.2.2019**

**Mandeep Singh**

**....Petitioner**

**vs.**

**State of Punjab and others**

**....Respondents**

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

Present: Mr. Sameer Sachdeva, Advocate  
for the petitioner.

Mr. Ramandeep Sandhu, Senior DAG, Punjab.

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**AJAY TEWARI, J. (Oral)**

This petition has been filed challenging the order dated 31.8.2018 whereby charges were framed against the petitioner.

The primary ground taken by learned counsel for the petitioner is that an application for discharge was made and the same was not considered while framing the charge. Notice of motion was issued. Learned Senior DAG has pointed out that in this case FIR was lodged in the year 2015 and the challan was filed in the year 2017. Thereafter, the various accused persons have been delaying the proceedings as has been reflected in the order itself. Even on the date in question i.e. 31.8.2018 the case was fixed for framing of charge and at that stage the present application was moved. The Trial Court relied upon the directions of this

Court passed in CRM-32726-2018 in which this Court had directed the Trial Court to proceed with the trial and framed the charge. The precise contention of the learned counsel is that the charge could not have been framed without first deciding the application for discharge. In my opinion, in view of the direction given by this Court the Trial Court was justified in framing the charge even while seeking the reply. In case after reply is filed the Court comes to the conclusion that the application for discharge should be allowed, the Court can well do it and no prejudice has been caused to the petitioner.

Consequently, the petition stands dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

**5.2.2019**  
**anuradha**

**(AJAY TEWARI)**  
**JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No